

6879. Rubber prophylactics. (F.D.C. No. 46763. S. Nos. 19-772/3 T.)

QUANTITY: 110 cartons, each containing 144 prophylactics in pkgs. of 2 each, at Dallas, Tex.

SHIPPED: 10-30-61, from Kansas City, Mo., by M&M Rubber Co.

LABEL IN PART: (Pkg.) "Spartans Prophylactics Package of Two M&M Rubber Co., K.C. 8, Mo. Sold For The Prevention of Disease Only." and (pkg.) "Tops Prophylactics Package of Two * * * M&M Rubber Co., Kansas City 8, Mo."

RESULTS OF INVESTIGATION: Examination showed that 3, or 2.0 percent of 149 prophylactics (Spartans), and 4, or 1.78 percent of 224 prophylactics (Tops), were defective in that they contained holes.

LIBELED: Between 11-29-61 and 1-18-62, N. Dist. Tex.

CHARGE: 501(c)—when shipped, the quality of the article fell below that which it was purported to possess; and 502(a)—the label statements (Spartans) "Sold For The Prevention of Disease Only" and (Tops) "Prophylactics" were false and misleading as applied to articles containing holes.

DISPOSITION: 1-18-62. Default—destruction.

6880. Rubber prophylactics. (F.D.C. No. 46167. S. No. 47-621 R.)

QUANTITY: 4 cases, 50-gross ctns. each, containing boxes of 3 units, at Detroit, Mich.

SHIPPED: 4-20-61, from Akron, Ohio, by March Rubber & Plastics Co.

LABEL IN PART: (Box) "Checks Deluxe Thin Prophylactics Package of Three Sold and Intended For Prevention of Disease Only March Rubber and Plastics Co., Inc., Akron, Ohio."

RESULTS OF INVESTIGATION: Examination of 190 prophylactics showed that 1.6 percent contained holes.

LIBELED: On or about 8-14-61, E. Dist. Mich.

CHARGE: 501(c)—when shipped, the quality of the article fell below that which it purported to possess; and 502(a)—the label statement "Sold and Intended For Prevention of Disease Only" was false and misleading as applied to articles containing holes.

DISPOSITION: 9-20-61. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

6881. Pile-Aids tablets. (F.D.C. No. 43211. S. No. 9-790 P.)

INFORMATION FILED: 7-22-59, W. Dist. Pa., against Nutrition Square, Inc., t/a Pile-Aids Co., Pittsburgh, Pa.

SHIPPED: 9-1-58, from Pennsylvania to Ohio.

LABEL IN PART: (Btl.) "Pile-Aids Tablet * * * This exclusive imported herbal compound contains: Cyclamen Europaeum Elecampane (Inula Heleniom) Sulphur Distributed by Pile-Aids Company Pittsburgh 12, Pa."

ACCOMPANYING LABELING: Circular entitled "Instructions for Taking Pile-Aids Tablets" and a circular entitled "Information for Pile Sufferers."

*See also Nos. 6861, 6863-6866, 6868-6873, 6875-6880.

CHARGE: 502(a)—when shipped, the name of the article "*Pile-Aids*" and the statements in the labeling which represented and suggested that the article was adequate and effective for the treatment of piles were false and misleading since the article was not adequate and effective for such treatment.

PLEA: Guilty.

DISPOSITION: 10-9-61. \$200 fine, plus costs.

6882. Mineralized cookies. (F.D.C. No. 45781. S. Nos. 68-595/6 R.)

QUANTITY: 42 ctns., 12 pkgs. each, at Tulsa, Okla.

SHIPPED: Between 12-22-60 and 3-3-61, from Alhambra, Calif., by El Molino Mills.

LABEL IN PART: (Display case) "El Molino Kitchens * * * Best . . . from the Land!"; (pkg. sticker label) "El Molino Kitchens Mineralized Cookies"; (cardboard in bottom of pkg.) "In each 3 cookies the added Minerals and Trace Elements supply the following."

ACCOMPANYING LABELING: Leaflets entitled "The Story Of . . . El Molino Kitchens Mineralized Cookies."

LIBELED: 5-8-61, N. Dist. Okla.; amended libel 7-25-61, N. Dist. Calif.

CHARGE: 502(a)—when shipped, the labeling accompanying the article contained false and misleading representations that the article was adequate and effective for the treatment and prevention of borderline conditions with indefinite symptoms, instability of the nervous system, lack of energy, lowered resistance to disease, aches and pains, and for regaining and maintaining health, for vigor and proper growth, and for repair of tissues.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: On 6-8-61, the case was transferred to the Northern District of California. On 11-3-61, a default decree of condemnation was entered and the article destroyed.

6883. Safflor capsules. (F.D.C. No. 46462. S. No. 68-824 R.)

QUANTITY: 57 100-capsule btls. at Milwaukee, Wis., in possession of Haug Drug Co.

SHIPPED: 5-25-61, from Detroit, Mich.

LABEL IN PART: (Btl.) "Haug's Safflor Capsules Haug's Safflower Oil Each Capsule Contains * * * As a Dietary Supplement, * * * Distributed by Haug Drug Company, Milwaukee 9, Wis."

ACCOMPANYING LABELING: Booklets entitled "Haug's Price List and Therapeutic Guide"; cards entitled "Safflor Capsules—For Reducing Serum Cholesterol File Card No. 558"; leaflets entitled "Excerpts from the Symposium on fats in human nutrition" and "What's all the Talk About Serum Cholesterol Levels and Atherosclerosis?"; and additional bottle labels.

RESULTS OF INVESTIGATION: The article was shipped in bulk and repacked and labeled by the dealer.

The accompanying labeling was printed locally for the dealer and was used in promoting sales of the article.

LIBELED: 9-20-61, E. Dist. Wis.